

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAHIEM NOWELL,	:	
Plaintiff,	:	
v.	:	Civil Action No. 04-304J
JEFFREY BEARD, SECRETARY,	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS, <u>et al.</u> ,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on October 19, 2005, docket no. 12, recommending that the defendants' motion to dismiss, docket no. 10, be granted.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No one has filed objections and the time to do so has expired.

After review of the record of this matter and the Report and Recommendation, and noting the absence of timely objections thereto, the following order is entered:

AND NOW, this 1st day of November, 2005, it is

ORDERED that defendants' motion to dismiss, docket no. 10, is granted and the complaint is dismissed. The Report and Recommendation is adopted as the opinion of the court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

cc:

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Chester Township, PA 19013

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